

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hartley *et al.*

Appl. No.: 09/517,466

Filed: March 2, 2000

For: **Compositions and Methods for
Use in Recombinational
Cloning of Nucleic Acids**

Confirmation No.: 4289

Art Unit: 1634

Examiner: Johannsen, D.

Atty. Docket: 0942.4680003/RWE/BJD/JKM

Sixth Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

The numbering on this Sixth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed electronically on December 15, 2003, in connection with the above-captioned application.

Copies of documents **AJ7-AK7**, **AA8-AK8** and **AA9-AB9** are not provided in accordance with the Changes To Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan, effective October 21, 2004, which states "section 1.98(a)(2)(i) is amended to eliminate the requirement in paragraph (a)(2)(i) for a copy of each U.S. patent or U.S. patent application publication listed in an IDS in a patent application regardless of the filing date of the application." A copy of each other document is provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication

Hartley *et al.*
Appl. No. 09/517,466

dates on the attached Form PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. § 1.114. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

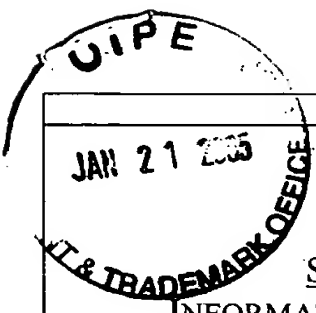
Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono
Attorney for Applicants
Registration No. 42,473

Date: Jan. 21, 2005
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(202) 371-2600
340521_1.DOC



FORM PTO-1449

SIXTH SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.
0942.4680003/RWE/BJD/JKM

APPLICATION NO.
09/517,466

APPLICANT(S)
Hartley *et al.*

FILING DATE
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ART UNIT
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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
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	AI						
	AJ7	2002/0182731	12/05/2002	Ji <i>et al.</i>			01/25/2002
	AK7	2003/0027289	02/06/2003	Farmer			04/05/2002

FOREIGN PATENT DOCUMENTS

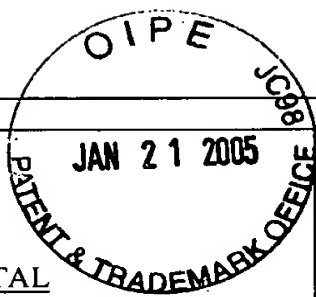
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN9	WO 96/19497	06/27/1996	WIPO			Yes No
	AO9	WO 01/31039	05/03/2001	WIPO			Yes No
	AP9	WO 02/00875	01/03/2002	WIPO			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS		
	AT	113	Ball, C.A., and Johnson, R.C., "Efficient Excision of Phage λ from the <i>Escherichia coli</i> Chromosome Requires the Fis Protein," <i>J. Bacteriol.</i> 173: 4027-4031, American Society for Microbiology (1991)

EXAMINER	DATE CONSIDERED
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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA8	2003/0054555	03/20/2003	Farmer <i>et al.</i>			09/17/2002
	AB8	2003/0059900	03/27/2003	Farmer			01/17/2002
	AC8	2003/0153055	08/14/2003	Miles <i>et al.</i>			02/20/2003
	AD8	2003/0176644	09/18/2003	Byrd <i>et al.</i>			02/07/2002
	AE8	2003/0220249	11/27/2003	Hackett <i>et al.</i>			02/07/2003
	AF8	2004/0040053	02/26/2004	Nomura <i>et al.</i>			11/22/2002
	AG8	2004/0053412	03/18/2004	Hartley <i>et al.</i>			03/26/2003
	AH8	2004/0063207	04/01/2004	Hartley <i>et al.</i>			10/08/2003
	AI8	6,720,140	04/13/2004	Hartley <i>et al.</i>			02/04/2000
	AJ8	2004/0171156	09/02/2004	Hartley <i>et al.</i>			04/02/2004
	AK8	2004/0171157	09/02/2004	Hartley <i>et al.</i>			04/08/2004

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL10	WO 02/08391	01/31/2002	WIPO			Yes No
	AM10	WO 02/16594	02/28/2002	WIPO			Yes No
	AN10	WO 02/61034	08/08/2002	WIPO			Yes No
	AO10	WO 03/25161	03/27/2003	WIPO			Yes No
	AP10	WO 03/103600	12/18/2003	WIPO			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>114</u>	Bruckner, R.C., and Cox, M.M., "The Histone-like H Protein of <i>Escherichia coli</i> is a ribosomal protein s3," <i>Nucl. Acids Res.</i> 17:3145-3161, Oxford University Press (1989)
	AS	<u>114</u>	Hartley, J.L., <i>et al.</i> , "DNA Cloning Using In Vitro Site-Specific Recombination," <i>Genome Res.</i> 10:1788-1795, Cold Spring Harbor Laboratory Press (November 2000)
	AT	<u>114</u>	Heyman, J.A., <i>et al.</i> , "Genome-Scale Cloning and Expression of Individual Open Reading Frames Using Topoisomerase I-Mediated Ligation," <i>Genome Res.</i> 9:383-392, Cold Spring Harbor Laboratory Press (April 1999)

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA9	2004/0219516	11/04/2004	Bennett <i>et al.</i>			07/18/2003
	AB9	2004/0219673	11/04/2004	Hartley <i>et al.</i>			03/10/2004
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OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>115</u>	Institut Pasteur Website, Introduction: http://www.pasteur.fr/recherche/unites/pmtg/integ/intro.html (accessed 6/19/2003)
	AS	<u>115</u>	Institut Pasteur Website, Figure 1: http://www.pasteur.fr/recherche/unites/pmtg/integ/fig1.html (accessed 6/19/2003)
	AT	<u>115</u>	Institut Pasteur Website, Figure 2: http://www.pasteur.fr/recherche/unites/pmtg/integ/fig2.html (accessed 6/19/2003)

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	AO						Yes No
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OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>116</u>	Institut Pasteur Website, Figure 3: http://www.pasteur.fr/recherche/unites/pmtg/integ/fig3.html (accessed 6/19/2003)
	AS	<u>116</u>	Institut Pasteur Website, Main Page: http://www.pasteur.fr/recherche/unites/pmtg (accessed 6/19/2003)
	AT	<u>116</u>	Invitrogen Online Catalog, "The Echo™ Cloning System: The Future of Cloning is Here," available at: http://web.archive.org/web/20010112191100/www.invitrogen.com/catalog_project/cat_echo.html (accessed July 7, 2004)

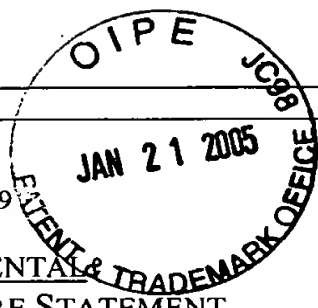
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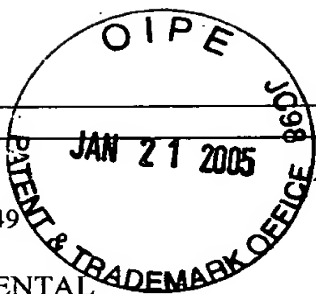
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	117	Invitrogen Online Catalog, "The Echo™ Cloning System: The Future of Cloning is Here," available at: http://invitrogen.com/content.cfm?pageid=3371&cfid=16767784&cftoken=62396683 (accessed July 7, 2004)
	AS	117	Kuempel, P., <i>et al.</i> , "Use of a transposon (Tndif) to obtain suppressing and nonsuppressing insertions of the <i>dif</i> resolvase site of <i>Eschericia coli</i> ," <i>Genes & Development</i> 10:1162-1171, Cold Spring Harbor Laboratory Press (1996)
	AT	117	Lee, M.H., <i>et al.</i> , "Site-specific integration of mycobacteriophage L5: Integration-proficient vectors for <i>Mycobacterium smegmatis</i> , <i>Mycobacterium tuberculosis</i> , and bacille Calmette-Guérin," <i>Proc. Natl. Acad. Sci. USA</i> 88:3111-3115, National Academy of Sciences (1991)

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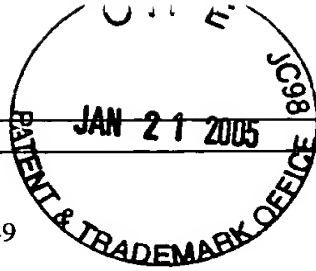
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>118</u>	Lenski, R.E., <i>et al.</i> , "Genetic Analysis of a Plasmid-Encoded, Host Genotype-Specific Enhancement of Bacterial Fitness," <i>J. Bacteriol.</i> 176:3140-3147, American Society For Microbiology (1994)
	AS	<u>118</u>	Manning, P.A., <i>et al.</i> , "Gene Capture in <i>Vibrio cholera</i> ," <i>Trends in Microbiology</i> 7:93-95, Elsevier Science (March 1999)
	AT	<u>118</u>	Ohara, O., and Temple, G., "Directional cDNA library construction assisted by the <i>in vitro</i> recombination reaction," <i>Nucl. Acids Research</i> 29:e22(1-8), Oxford University Press (February 2001)

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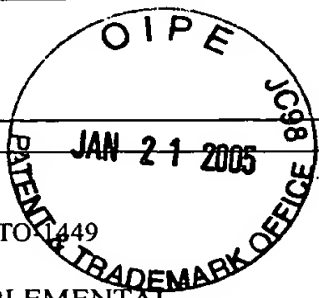
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>119</u>	Russell, M., "A recombination-based cloning system that decreases time to protein analysis," <i>Am. Biotechnol. Lab.</i> 18:8,10, International Scientific Communications, Inc. (June 2000)
	AS	<u>119</u>	Shuman, S., "Novel Approach to Molecular Cloning and Polynucleotide Synthesis Using Vaccinia DNA Topoisomerase," <i>J. Biol. Chem.</i> 269:32678-32684, American Society for Biochemistry and Molecular Biology, Inc. (1994)
	AT	<u>119</u>	Sinclair, B., "Honing Your Cloning," <i>The Scientist</i> 14:29-32, The Scientist Inc. (August 21, 2000) available at: http://www.the-scientist.com/yr2000/aug/profile1_000821.html

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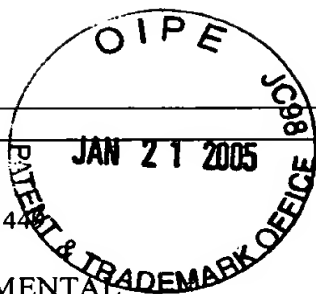
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>120</u>	Stuurman, J., <i>et al.</i> , "Single-site manipulation of tomato chromosomes <i>in vitro</i> and <i>in vivo</i> using Cre-lox site-specific recombination," <i>Plant Molecular Biology</i> 32:901-913, Kluwer Academic Publishers (1996)
	AS	<u>120</u>	Zechiedrich, E.L., <i>et al.</i> , "Topoisomerase IV, not gyrase, decatenates products of site-specific recombination in <i>Escherichia coli</i> ," <i>Genes Dev.</i> 11:2580-2592, Cold Spring Harbor Laboratory Press (1997)
	AT	<u>120</u>	Office Action for U.S. Patent Application No. 09/907,719, mailed on July 13, 2004

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OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>121</u>	Office Action for U.S. Patent Application No. 09/432,085, mailed on July 16, 2004
	AS	<u>121</u>	Office Action for U.S. Patent Application No. 10/058,291, mailed on September 22, 2004
	AT	<u>121</u>	Office Action for U.S. Patent Application No. 10/058,292, mailed on September 22, 2004

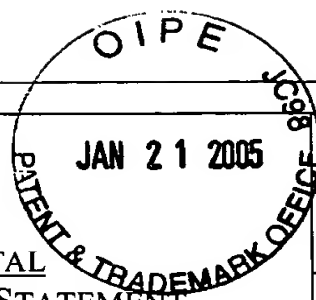
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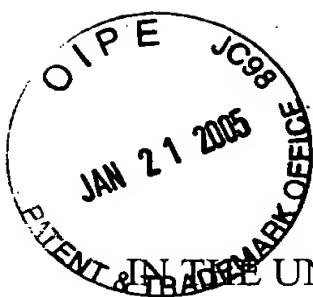
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	AR	<u>122</u>	Office Action for U.S. Patent Application No. 09/855,797, mailed on October 1, 2004
	AS	<u>122</u>	Office Action for U.S. Patent Application No. 09/695,065, mailed on October 27, 2004
	AT	<u>122</u>	Office Action for U.S. Patent Application No. 10/820,133 mailed on November 17, 2004

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Examiner: Johannsen, D.

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This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. § 1.114. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



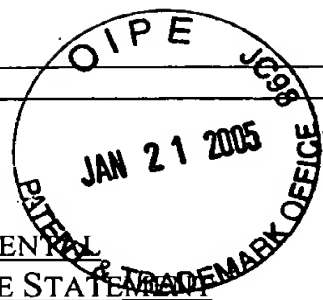
Brian J. Del Buono
Attorney for Applicants
Registration No. 42,473

Date: Jan. 21, 2005
1100 New York Avenue, N.W.
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(202) 371-2600
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SEVENTH SUPPLEMENTAL

INFORMATION DISCLOSURE STATEMENT



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ATTY. DOCKET NO.

0942.4680003/RWE/BJD/JKM

APPLICATION NO.

09/517,466

APPLICANT(S)

Hartley *et al.*

FILING DATE

March 2, 2000

ART UNIT

1634

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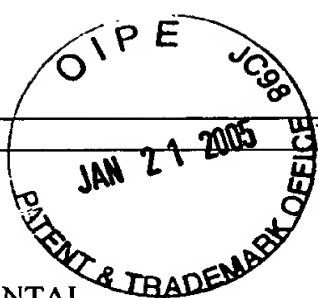
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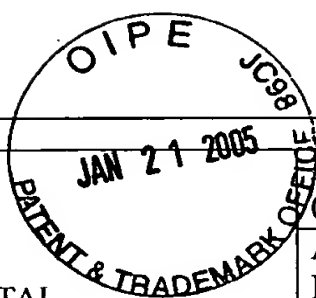
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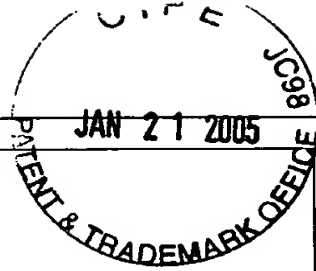
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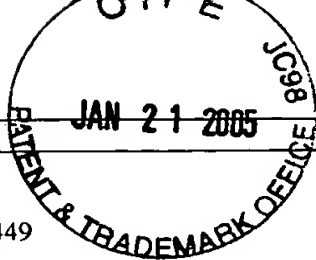
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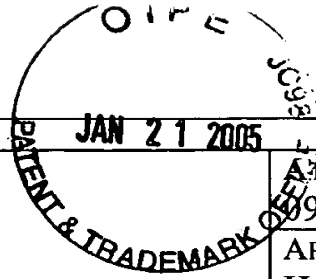
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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>212</u>	Ulmanen, I., <i>et al.</i> , "Transcription and Translation of Foreign Genes in <i>Bacillus subtilis</i> by the Aid of a Secretion Vector," <i>J. Bacteriol.</i> 162:176-182, American Society for Microbiology (1985)
	AS	<u>212</u>	van Deursen, J., <i>et al.</i> , "Cre-mediated site-specific translocation between nonhomologous mouse chromosomes," <i>Proc. Natl. Acad. Sci. USA</i> 92:7376-7380, National Academy of Sciences (1995)
	AT	<u>212</u>	Ward, J.M., <i>et al.</i> , "Construction and characterisation of a series of multi-copy promoter-probe plasmid vectors for <i>Streptomyces</i> using the aminoglycoside phosphotransferase gene from Tn5 as indicator," <i>Mol. Gen. Genet.</i> 203:468-478, Springer-Verlag (1986)

EXAMINER

DATE CONSIDERED

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FORM PTO-1449

SEVENTH SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET No.
0942.4680003/RWE/BJD/JKM

APPLICATION No.
09/517,466

APPLICANT(S)
Hartley *et al.*

FILING DATE
March 2, 2000

ART UNIT
1634

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	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	213	Invitrogen Life Technologies online catalog, "Directional TOPO Entry Vectors," 4 pages, accessed September 27, 2002, available at: http://www.invitrogen.com/content.cfm?pageid=3799&cfid=2897960&cftoken=88086554
	AS		
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DATE CONSIDERED

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In re application of:

Hartley *et al.*

Appl. No.: 09/517,466

Filed: March 2, 2000

For: **Compositions and Methods for
Use in Recombinational
Cloning of Nucleic Acids**

Confirmation No.: 4289

Art Unit: 1634

Examiner: Johannsen, D.

Atty. Docket: 0942.4680003/RWE/BJD/JKM

Eighth Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

The numbering on this Eighth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Seventh Supplemental Information Disclosure Statement filed herewith, in connection with the above-captioned application.

Copies of documents **AF20** and **AG20** are not provided in accordance with the Changes To Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan, effective October 21, 2004, which states "section 1.98(a)(2)(i) is amended to eliminate the requirement in paragraph (a)(2)(i) for a copy of each U.S. patent or U.S. patent application publication listed in an IDS in a patent application regardless of the filing date of the application." A copy of each other document is provided.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following, in regards to non-English language documents **AL20** and **AM20** cited on Form PTO 1449:

Document **AL20**, French Patent Publication No. FR 2 670 502, is in the French language. Document **AM20**, PCT Patent Publication No. WO 92/10577, is in the French language. An unverified English language abstract of documents **AL20** and **AM20** is attached as document **AS213**.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached Form PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Hartley *et al.*
Appl. No. 09/517,466

This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. § 1.114. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

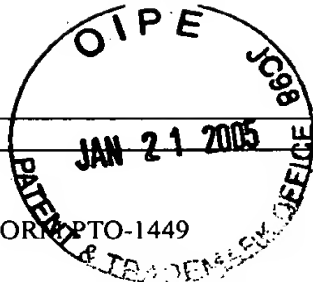
Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono
Attorney for Applicants
Registration No. 42,473

Date: Jan. 21, 2001
1100 New York Avenue, N.W.
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FORM PTO-1449

**EIGHTH SUPPLEMENTAL
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	AA						
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	AF20	5,451,513	09/19/1995	Maliga <i>et al.</i>			08/25/1993
	AG20	2004/0253631	12/16/2004	Hartley <i>et al.</i>			07/19/2004
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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL20	FR 2 670 502	06/16/1992	France			X Yes No
	AM20	WO 92/10577	06/25/1992	WIPO			X Yes No
	AN20	WO 94/20604	09/15/1994	WIPO			Yes No
	AO20	WO 00/29000	05/25/2000	WIPO			Yes No
	AP20	WO 00/52027	09/08/2000	WIPO			Yes No

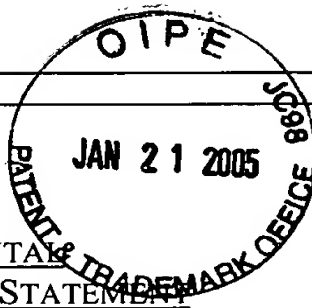
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

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	AS	<u>213</u>	Dialog File 351, Derwent World Patent Index, English Language Abstract for French Patent No. FR 2 670 502 (Document AL20) and PCT Patent No. WO 92/10577 (Document AM20), WPI Accession No. 9107201
	AT	<u>213</u>	Office Action for U.S. Patent Application No. 09/907,719 mailed on December 28, 2004

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	AL21	WO 00/52141	09/08/2000	WIPO			Yes No
	AM21	WO 01/25466	04/12/2001	WIPO			Yes No
	AN21	WO 01/42509	06/14/2001	WIPO			Yes No
	AO21	WO 02/46372	06/13/2002	WIPO			Yes No
	AP21	WO 02/62957	08/15/2002	WIPO			Yes No

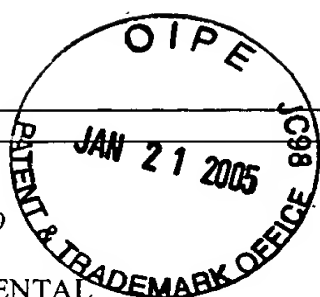
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	214	Office Action for U.S. Patent Application No. 09/432,085, mailed on December 28, 2004
	AS		
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	AL22	WO 02/86144	10/31/2002	WIPO			Yes No
	AM22	WO 02/095055	11/28/2002	WIPO			Yes No
	AN22	WO 03/044207	05/30/2003	WIPO			Yes No
	AO22	WO 04/009768	01/29/2004	WIPO			Yes No
	AP22	WO 04/013290	02/12/2004	WIPO			Yes No

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